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REMARKS/ARGUMENTS

Claims 1, 3, 4, and 6-9 are pending in this application. By this Amendment, Applicants AMEND the Drawings and ADD claims 8 and 9.

Applicants affirm the election of Embodiment 4, including claims 1, 3, 4, 6, and 7, in the Response to Election Requirement filed August 18, 2003. Applicants reserve the right to file a Divisional Application to pursue Embodiments 1-3. The Examiner withdrew non-elected claims 2 and 5 from consideration. However, claims 2 and 5 were canceled in the Preliminary Amendment filed January 9, 2002. Applicants have added new claims 8 and 9 that correspond to canceled claims 2 and 5.

The Examiner has alleged that there are no generic claims in the first paragraph on page 2 of the outstanding Office Action and in the Restriction Requirement, dated August 1, 2003. Applicants respectfully disagree.

MPEP § 806.04(d) states that a generic claim:

(a) should read on all the species; AND

(b) cannot include features not present in each of the added species claims.

By definition, an independent claim is generic to all of its dependent claims. Applicants' claim 1 is clearly generic because (a) claim 1 reads on each of the embodiments indicated by the Examiner; and (b) claim 1 does not include any features not present in each of the embodiments.

Accordingly, if the Examiner withdraws claims 8 and 9 from consideration, Applicants respectfully request that the Examiner consider and allow claims 8 and 9 when generic claim 1 is allowed.

The Drawings were objected to for failing to designate Figs. 13-15 as --Prior Art--. Applicants have amended Figs. 13-15 to properly be designated as --Prior Art--. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the Drawings.

Claims 1, 3, 4, 6, and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Kanbayashi (US

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3,621,476). Applicants respectfully traverse the rejection of claims 1, 3, 4, 6, and 7.

Claim 1, as amended in the Preliminary Amendment of January 9, 2002, recites:

"A nonreciprocal circuit device comprising:
a permanent magnet;
a ferrite member which is arranged to receive a direct current magnetic field applied by the permanent magnet, said ferrite member including a plurality of central electrodes; and
a metal case containing the permanent magnet, the ferrite member, and the plurality of central electrodes;
wherein the metal case has a gap containing a solid insulating material for cutting off a loop current flowing around the ferrite member and the plurality of central electrodes." (emphasis added)

Applicants' claim 1 recites the feature of "the metal case has a gap containing a solid insulating material for cutting off a loop current flowing around the ferrite member and the plurality of central electrodes." With the improved features of claim 1, Applicants have been able to provide a nonreciprocal circuit device including a metal case through which a high frequency current flows through with difficulty (see, for example, the paragraph bridging pages 3 and 4 of the originally filed Specification).

The Examiner has completely failed to address the feature of "the metal case has a gap containing a solid insulating material for cutting off a loop current flowing around the ferrite member and the plurality of central electrodes" (emphasis added). Further, neither AAPA nor Kanbayashi teach or suggest this feature.

The Examiner has admitted in lines 6 and 7 of the outstanding Office Action that AAPA fails to teach or suggest "the specific metal case design." That is, AAPA fails to teach or suggest a metal case with a gap and certainly fails to teach or suggest a gap containing a solid insulating material as recited in Applicants' claim 1.

Kanbayashi teaches in **Fig. 2** that the gap between the shield cases **6a** and **6b** includes terminals **T_{1a}** and **T_{2a}**, respectively, **NOT** that the gap contains a solid insulating material as recited in Applicants' claim 1. In fact, as clearly seen in **Fig. 2** of Kanbayashi, the only elements that are provided in the gap are the terminals **T_{1a}** and

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T_{2a}. Applicants note that the Examiner has failed to even allege that Kanbayashi teaches or suggests a solid insulating material. Thus, Kanbayashi fails to teach or suggest the feature of "the metal case has a gap containing a solid insulating material for cutting off a loop current flowing around the ferrite member and the plurality of central electrodes" as recited in Applicants' claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Kanbayashi.

Accordingly, Applicants respectfully submit that none of the prior art of record, applied alone or in combination, teaches or suggests the unique combination and arrangement of elements recited in claim 1 of the present application. Claims 3, 4, 6, and 7 depend upon claim 1 and are therefore allowable for at least the reasons that claim 1 is allowable. As noted above, if the Examiner withdraws claims 8 and 9 from consideration, Applicants respectfully request that the Examiner consider and allow claims 8 and 9 when generic claim 1 is allowed.

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

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The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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